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Attorneys for Non-Party Dario Amodei

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE OPENAI CHATGPT LITIGATION

Case No. 3:23-cv-03223-AMO

IN RE MOTION TO COMPEL COMPLIANCE
WITH NON-PARTY SUBPOENAS

**DECLARATION OF ASSAD H.
RAJANI IN SUPPORT OF NON-
PARTY DARIO AMODEI'S
ADMINISTRATIVE MOTION TO
CONSIDER**

In the Matter of

AUTHORS GUILD, *et al.*, individually and on
behalf of others similarly situated,

Misc. Case No. 3:25-mc-80017-AMO

Plaintiffs,

v.

OPENAI INC., *et al.*,

Underlying Litigation: *Authors Guild, et al.*
v. OpenAI, et al., 1:23-cv-0822-SHS
(S.D.N.Y)

Defendants.

1 I, Assad H. Rajani, declare:

2 1. I am an attorney at Arnold & Porter Kaye Scholer LLP. I represent non-party Dario
3 Amodei in the above-captioned matters. I submit this declaration in support of Mr. Amodei's
4 Administrative Motion to Consider Whether Another Party's Material Should be Sealed. The
5 information set herein is true to the best of my knowledge, information, and belief, and if called
6 upon to testify, I could and would testify to the following.

7 2. The highlighted portions of Non-Party Dario Amodei's [Proposed] Sur-Reply in
8 Further Opposition to Plaintiffs' Motion to Compel (Exhibit A¹) reflect information Counsel for
9 OpenAI has designated as "Confidential" or "Highly Confidential – Attorneys' Eyes Only" under
10 the terms of the Stipulated Protective Order in the actions *In re OpenAI ChatGPT Litigation*, Case
11 No. 3:23-cv-03223-AMO ("*In re OpenAI*") and *Authors Guild, et al. v. OpenAI Inc., et al.*, Case
12 No. 1:23-cv-0822-SHS (S.D.N.Y.) ("*Authors Guild – NY*"). (*In re OpenAI*, ECF No. 106; *Authors*
13 *Guild – NY*, ECF No. 148).

14 3. The entirety of the excerpts from the rough transcript of Benjamin J. Mann's March
15 3, 2025 deposition (Exhibit 1²) has been designated "Confidential" or "Highly Confidential –
16 Attorneys' Eyes Only" under the terms of the Stipulated Protective Order in these actions.

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct.

19
20 Dated: March 3, 2025

Respectfully submitted,

21 /s/ Assad H. Rajani

22 ASSAD H. RAJANI

23 **ARNOLD & PORTER KAYE SCHOLER LLP**

24 *Attorney for Non-Party Dario Amodei*

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26 ¹ Exhibit A is attached to Non-Party Dario Amodei's Administrative Motion Requesting Leave
27 to File a [Proposed] Sur-Reply in Further Opposition to Plaintiffs' Motion to Compel.

28 ² Exhibit 1 is attached to the Declaration of Assad H. Rajani in Support of Non-Party Dario
Amodei's [Proposed] Sur-Reply In Further Opposition to Motion to Compel.